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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,422	10/17/2001	Steve Dispensa	1587	6255

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EXAMINER	
BILGRAMI, ASGHAR H	
ART UNIT	**PAPER NUMBER**
2143	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/981,422	DISPENSA, STEVE	
	Examiner	Art Unit	
	Asghar Bilgrami	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11,13-41,43-70 and 72-175* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11,13-41,43-70 and 72-175* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 March 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

In view of the corrections made by the applicant, the examiner has withdrawn claim objections.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim1- 11, 13-16, 18-19, 27-41, 43-46, 48-49, 57-70, 72-75, 77-78, 86-104, 106-107, 115-133, 135-136, 144-161, 163-164 & 172-175 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groath et al (U.S. 6,571,285) and Dev et al (U.S. 5,751,933).

1. As per claims 1, 12, 31, 42, 61, 68, 71, 90, 119 & 148 Groath disclosed a performance management system for providing performance information of a communication network (col.10, lines 1-5), the performance management system comprising: a reporting system configured to generate and transmit a graphical overview of the communication network to a user system, process the instruction to determine the performance information, generate a graphical format of the performance information (col.35, lines 10-15), and transmit the graphical format of the performance information from the performance management system to the user system (col.10, lines 5); and a database system configured to store the performance information

(col.10, lines 15-20). However Groath did not explicitly disclose, receive an instruction to request the performance information for a selected region of the communication network from a user system. In the same filed of endeavor Dev disclosed receive an instruction to request the performance information for a selected region of the communication network from a user system (co.2, lines 35-40, col.5, lines 20-38, col.12, lines 42-67 & col.12, lines1-9).
At the time the invention was made it would have been obvious to one in the ordinary skill in the art to incorporate presenting performance information relating to a selected region as disclosed by Dev in the system of providing performance management information of a communication network as disclosed by Groath in order to make the system more versatile and robust by giving the user the option to target the appropriate areas of the network that need to be closely analyzed for performance.

2. As per claim 2, 32, 62, 91, 120 & 149 Groath-Dev disclosed the method of claim 1 wherein the graphical format is a web page (col.69, lines 34-40 & col.91, lines 50-54).

3. As per claims 3, 33, 63, 92, 121 & 150 Groath-Dev disclosed the method of claim 1 wherein the graphical format is a report (col.35, lines 10-15).

4. As per claims 4, 34, 64, 93, 122 & 151 Groath-Dev disclosed the method of claim 1 wherein the graphical format is a screen (col.69, lines 53-55 and also see figures 23-28).

5. As per claims 5, 35, 65, 94, 123 & 152 Groath-Dev disclosed the method of claim 1 wherein processing the instruction to determine the performance information comprises retrieving the performance information (col.13, lines 8-51).

6. As per claims 6, 36, 66, 95, 124 & 153 Groath-Dev disclosed the method of claim 5 wherein retrieving the performance information is from a probe device (col.14, lines 12-26 & col.18, lines 5-10).

7. As per claims 7, 37, 67, 96, 125 & 154 Groath-Dev disclosed the method of claim 6 wherein retrieving the performance information from the probe device comprises: generating and transmitting a message to request performance information from the probe device; and receiving the performance information from the probe device (col.18, lines 5-40).

8. As per claims 8, 38, 97, 126 & 155 Groath-Dev disclosed the method of claim 5 wherein retrieving the performance information is from a memory in the performance management system (See Table 39 from columns 167 to 170).

9. As per claims 9, 39, 69, 98, 127 & 156 Groath-Dev disclosed the method of claim 1 wherein processing the instruction to determine the performance information comprises calculating the performance information (col.25, lines 66-67 & col.26, lines 1-5).

10. As per claims 10, 40, 70, 99, 128 & 157 Groath-Dev disclosed the method of claim 1 further comprising monitoring the performance information in the communication network (col.10, lines 1-14).

11. As per claims 11, 41, 100 & 129 Groath-Dev disclosed the method of claim 1 further comprising storing the performance information in memory of the performance management system (col.18, lines 5-50).

12. As per claims 13, 43, 72, 101, 130 & 158 Groath-Dev disclosed the method of claim 1 wherein the communications network uses wireless signals (col.1, lines 31-39).

13. As per claims 14, 44, 73, 102, 131 & 159 Groath-Dev disclosed the method of claim 1 wherein the communications network uses broadband wireless signals (col.1, lines 31-39).

14. As per claims 15, 45, 74, 103, 132 7 160 Groath-Dev disclosed the method of claim 1 wherein the performance information comprises a number of modems (col.31, lines 15-24).

15. As per claims 16, 46, 75, 104, 133 & 161 Groath-Dev disclosed the method of claim 1 wherein the performance information comprises forward error correction information (col.51, lines 60-67 & col.52, lines 1-2).

16. As per clams 18, 48, 77, 106, 135 & 163 Groath-Dev disclosed the method of claim 1 wherein the performance information comprises number of bytes (See figures 14 & 15 and col.107 & 108 - table-18).

17. As per claims 19, 49, 78, 107, 136 & 164 Groath-Dev disclosed the method of claim 1 wherein the performance information comprises speed of transmission (col.107, table 18).

18. As per claims 27, 57, 86, 115, 144 & 172 Groath-Dev disclosed the method of claim 1 wherein the instruction comprises a region of the communication network (col.10, lines 10-22 & figure 18).

19. As per claims 28, 58, 87, 116, 145 & 173 Groath-Dev disclosed the method of claim 1 wherein the instruction comprises an Internet Protocol address (col.173, tables 40 & 41).

20. As per claims 29, 59, 88, 117, 146 & 174 Groath-Dev disclosed the method of claim 1 wherein the instruction comprises a user identification (col.72, lines 37-67 & col.73, lines 1-37).

21. As per claims 30, 60, 89, 118, 147 & 175 Groath-Dev disclosed the method of claim 1 wherein the instruction comprises a time or date (col.18, lines 15-17 & col.20, lines 1-15).

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

23. Claims 17, 47, 76, 105, 134 & 162 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groath et al (U.S. 6,571,285) and Moura et al (U.S. 6,411,606).

24. As per claims 17, 47, 76, 105, 134 & 162 Groath disclosed the method of claim 1. However Groath did not explicitly disclose wherein the performance information comprises signal to noise ratio. Moura disclosed wherein the performance information comprises signal to noise ratio (col.10, lines 13-15).

Therefore at the time the invention was made it would have been obvious to one in the ordinary skill in the art to incorporate signal to noise ratio parameter taught by Moura as a part of the performance category in the performance information system taught by Groath to facilitate in providing a full spectrum view of a communication network for analysis.

25. Claims 20-26, 50-56, 79-85, 108-114, 137-143 & 165-171 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groath et al (U.S. 6,571,285) and Opoczynski (U.S. 5,519,830).

26. As per claims 20, 50, 79, 108, 137 & 165 Groath disclosed the method of claim 1. However Groath did not explicitly disclose wherein the performance information comprises channel information for a plurality of channels. Opoczynski disclosed wherein the performance information comprises channel information for a plurality of channels (col.3, lines 49-58). Therefore at the time the invention was made it would have been obvious to one in the ordinary skill in the art to incorporate channel information for a plurality of channels taught by Opoczynski as a part of the performance category in the performance information system taught by Groath to facilitate in providing a full spectrum view of a communication network for analysis.

27. Claims 21, 51, 80, 109, 138 & 166 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groath et al (U.S. 6,571,285), Opoczynski (U.S. 5,519,830) and Moura et al (U.S. 6,411,606).

28. As per claims 21, 51, 80, 109, 138 & 166 Groath and Opoczynski disclosed the method of claim 20. However Groath and Opoczynski did not disclose wherein the channels are upstream. Moura disclosed wherein the channels are upstream (col.5, lines 43-49). Therefore at the time the invention was made it would have been obvious to one in the ordinary skill in the art to incorporate upstream channel taught by Moura as a part of the performance category in the performance information system taught by Groath- Opoczynski to facilitate in providing a full spectrum view of a communication network for analysis.

29. As per claims 22, 52, 81, 110, 139 & 167 Groath and Opoczynski disclosed the method of claim 20. However Groath and Opoczynski did not disclose wherein the channels are downstream. Moura disclosed wherein the channels are downstream (col.5, lines 43-48). Therefore at the time the invention was made it would have been obvious to one in the ordinary skill in the art to incorporate downstream channel taught by Moura as a part of the performance category in the performance information system taught by Groath-Opoczynski to facilitate in providing a full spectrum view of a communication network for analysis.

30. As per claims 23, 53, 82, 111, 140 & 168 Groath and Opoczynski disclosed the method of claim 20. However Groath and Opoczynski did not disclose wherein the channel information comprises a state of one of the channels. Moura disclosed wherein the channel information comprises a state of one of the channels (col.2, lines 39-60).
Therefore at the time the invention was made it would have been obvious to one in the ordinary skill in the art to incorporate information comprising a state of one of the channels taught by Moura as a part of the performance category in the performance information system taught by Groath-Opoczynski to facilitate in providing a full spectrum view of a communication network for analysis.

31. As per claims 24, 54, 83, 112, 141 & 169 Groath and Opoczynski disclosed the method of claim 20. However Groath and Opoczynski did not disclose wherein the channel information

comprises a change in a state of one of the channels. Moura disclosed wherein the channel information comprises a change in a state of one of the channels (col.2, lines 58-64). Therefore at the time the invention was made it would have been obvious to one in the ordinary skill in the art to incorporate information comprising change in state of one of the channels taught by Moura as a part of the performance category in the performance information system taught by Groath-Opoczynski to facilitate in providing a full spectrum view of a communication network for analysis.

32. As per claims 25, 55, 84, 113, 142 & 170 Groath and Opoczynski disclosed the method of claim 20. However Groath and Opoczynski did not disclose wherein the channel information comprises a number of messages transmitted. Moura disclosed wherein the channel information comprises a number of messages transmitted (col.2, lines 38-60).
Therefore at the time the invention was made it would have been obvious to one in the ordinary skill in the art to incorporate number of messages transmitted in channel information taught by Moura as a part of the performance category in the performance information system taught by Groath-Opoczynski to facilitate in providing a full spectrum view of a communication network for analysis.

33. As per claims 26, 56, 85, 114, 143 & 171 Groath and Opoczynski disclosed the method of claim 20. However Groath and Opoczynski did not disclose wherein the channel information comprises a time in a state of one of the channels. Moura disclosed wherein the channel information comprises a time in a state of one of the channels (col.2, lines 58-61).

Therefore at the time the invention was made it would have been obvious to one in the ordinary skill in the art to incorporate a time in a state of one of the channels in channel information taught by Moura as a part of the performance category in the performance information system taught by Groath-Opoczynski to facilitate in providing a full spectrum view of a communication network for analysis.

Response to Arguments

34. Applicant's arguments filed 28 March 2005 have been fully considered but they are not persuasive.

35. The applicant argued, "neither Groath nor any other cited reference teaches or suggests generating and transmitting a graphical overview of the communication network, as provided for in claims 1, 31, 61, 90, 119 and 148.

36. As to applicant's arguments Groath disclosed extracting the network performance data by using plurality of programs and the results of that data may be outputted by way of reports and charts {graphs} (col.35, lines 10-15).

37. The applicant argued, "list of types of performance information is provided after a particular region is selected, as the types of performance information available may depend on the particular region specified. Claims 119, 148incorporate similar provisions. No such teaching is found in Groath.

As to applicant's argument the examiner introduced new art in which Dev disclosed provides performance information of a network that can be viewed at various levels by the user on the

basis of a world with various network locations, country, region and lower level views showing the floor plan of a building or room that contains the network devices (col.12, lines 42-58).

38. The applicant argued, "none of Groath, Opoczynski or Moura teach or suggest generating and transmitting a graphical overview of the communication network to a user system, as provided for in the independent claims.

As to applicants arguments please see the response to argument on line 36.

Conclusion

39. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Asghar Bilgrami
Examiner
Art Unit 2143

AB

BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER